KELLEY DRYE & WARREN LLP
A LIMITED LIABILITY PARTNERSHIP
1200 19TH STREET, N.W.
SUITE 500
WASHINGTON, D.C. 20036
(202) 955-9600

FACSIMILE
(202) 955-9792
www.kelleydrye.com

NEW YORK, NY
TYSONS CORNER, VA
LOS ANGELES, CA
CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ

BRUSSELS, BELGIUM
HONG KONG

AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MUMBAI, INDIA
TOKYO, JAPAN

September 15, 2003

VIA UPS OVERNIGHT

Mary L. Cottrell, Secretary
Re: DTE 03-60
Department of Telecommunications and Energy
One South Station, Second Floor
Boston, MA 02210

Re: DTE 03-60 - Triennial Review Proceeding

Dear Secretary Cottrell:

In accordance with the Department of Telecommunications and Energy's Notice of Investigation dated August 26, 2003, BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications of Massachusetts Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc., hereby express their interest in participating in the above-referenced proceeding and submit the enclosed comments on the scope, nature and timing of the Department's inquiry. Also enclosed is a Motion for Admission *Pro Hac Vice.*

BridgeCom International, Broadview Networks, Choice One Communications, Focal Communications and XO Massachusetts are competitive local exchange carriers authorized to provide service in the Commonwealth of Massachusetts, and provide local exchange service consistent with that authorization. BridgeCom International, Broadview Networks, Choice One Communications, Focal Communications and XO Massachusetts have a substantial and specific interest in this proceeding.

BridgeCom International, Broadview Networks, Choice One Communications, Focal Communications and XO Massachusetts utilize both their own networks and unbundled network elements obtained from Verizon. The Federal Communications Commission's Triennial Review Order, CC Docket Nos. 01-338, 96-98, 98-147 (rel. Aug. 21, 2003), and the within docket implementing that Order, may affect the availability of unbundled network elements purchased by these carriers now and/or in the future. Since the availability of the unbundled network elements being addressed in this proceeding will directly impact their

operations in Massachusetts, BridgeCom International, Broadview Networks, Choice One Communications, Focal Communications and XO Massachusetts have a substantial and specific interest in the proceeding and intend to be active participants.

Kindly add the undersigned, as well as each of the persons listed on Attachment One to this letter, to the Department's Service list in this proceeding. Thank you for your consideration in this matter.

Respectfully submitted,

Steven A. Augustino
Andrew M. Klein
Counsel to BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications of Massachusetts Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc.

Enclosures

cc: Paula Foley, DTE Assistant General Counsel (via UPS overnight, with enclosures)
Jesse Reyes, DTE Hearing Officer (via UPS overnight, with 8 copies of comments)

Attachment 1

Rebecca Sommi
Vice President, Operations Support
Broadview Networks, Inc
400 Horsham Road
Horsham, PA 19044-2190
Tel: 215-293-8715
Fax: 215-293-8750
rsommi@broadviewnet.com

Paul Rebey
Focal Communications
200 North LaSalle
Suite 1100
Chicago, IL 60601
Tel: 312-895-8491
Fax: 312-895-8403
prebey@focal.com

Elizabeth J. McDonald, Esq.
D. Anthony Mastando, Esq.
Choice One Communications
100 Chestnut Street
HSBC Plaza
Rochester, NY 14604
Tel: 585-697-7972 (McDonald)
Tel: 585-530-2665 (Mastando)
Fax: 585-530-2672
emcdonald@choiceonecom.com
amastando@choiceonecom.com

Charles C. Hunter, Esq.
Catherine M. Hannan, Esq.
BridgeCom International, Inc.
115 Stevens Avenue
Third Floor
Valhalla, NY 10595
Tel: 914-742-8589 (Hunter)
Tel: 914-742-5607 (Hannan)
Fax: 914-742-5818
chunter@bridgecom.com
channan@bridgecom.com

Carol Pomponio
XO Communications, Inc.
11111 Sunset Hills Road
Reston, VA 20190
Tel: 703-547-2428
Fax: 703-547-2300
cpomponio@xo.com

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
COMMONWEALTH OF MASSACHUSETTS

Investigation by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers	**D.T.E. 03-60**

COMMENTS OF THE LOOP/TRANSPORT CARRIER COALITION

Steven A. Augustino
Andrew M. Klein
KELLEY DRYE & WARREN LLP
1200 19th Street, NW Suite 500
Washington, D.C. 20036
Tel: (202) 955-9600
Fax: (202) 955-9792
Counsel to BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications of Massachusetts Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc.

September 15, 2003

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
COMMONWEALTH OF MASSACHUSETTS

Investigation by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers	)	**D.T.E. 03-60**

COMMENTS OF THE LOOP/TRANSPORT CARRIER COALITION

The members of the Loop/Transport Carrier Coalition – BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications of Massachusetts Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc. (hereinafter the "Loop/Transport Carrier Coalition" or "Coalition") – file these comments in response to the Department of Telecommunications and Energy's Notice of Investigation dated August 26, 2003. In that Notice, the Department requested that interested parties comment on the scope, nature, and timing of the proceedings to be instituted by the Department in response to the Federal Communications Commission's (FCC) Triennial Review Order (Triennial Order) regarding Unbundled Network Elements ("UNEs"). The Loop/Transport Carrier Coalition appreciates the opportunity to provide these comments.

These comments will be limited to the issues surrounding the availability and pricing of loops and transport.[1] In the Triennial Order, the FCC determined that the loop/transport issues should be addressed in a nine-month proceeding. The applicability of such

[1] Some members of the Coalition may also be filing separate comments that address other issues covered by the Triennial Order.

a limited timeframe for the consideration of these important issues leads to several key conclusions: (1) that the loop/transport proceeding be well defined and focused, (2) that loop and transport issues be addressed in a proceeding separate from the other Triennial Review proceedings, and (3) that the proceeding follow sequentially, to the extent possible, the other Triennial Review proceedings.

The Coalition believes that the proceeding should be conducted as an adjudicatory proceeding as defined in G.L. c. 30A, §1(1), consistent with the definition of such a proceeding as set forth therein.

I. THE DEPARTMENT MUST EXERCISE ITS AUTHORITY AND SET AN APPROPRIATE PROCEDURAL SCHEDULE

The Triennial Order presents each of the 50 state commissions with a daunting task of conducting impairment proceedings for switching under 90 day and 9 month deadlines, in addition to impairment proceedings for loop and transport issues. Taken together with the various other proceedings already underway, the Department must take steps to prioritize the proceedings in order to ensure that staff and the parties are able to focus the necessary resources on each particular proceeding.[2] Since the facts and relevant providers involved in the loop and transport decisions are likely to be different than those relating to the issues the Department must address in the switching cases, we strongly suggest that the loop/transport issues be resolved in a separate proceeding.

The Coalition recommends that the Department begin its actual review of the loop/transport impairment issues *after* the 90-day proceedings have concluded, to permit the

[2] Moreover, as the Department is undoubtedly cognizant, carriers will simultaneously be involved in state Triennial Review proceedings across their entire respective service territories.

Department and the parties to dedicate the necessary resources and consideration to these critical issues. In making this choice, the Department should consider how many issues need to be resolved in each proceeding and how quickly that may be done. In light of (i) the extraordinary time demands that the 90 day switching proceedings will place on state commissions, and (ii) the complexity of the impairment issues raised in the 9 month switching proceedings, the Department should prioritize these two proceedings first, as they will require more resources at the initial stage. In the case of loops and transport, the proceedings will be more limited in nature, as relatively few specific customer locations and identified transport routes should be in issue under the FCC triggers. Once the ILEC identifies the specific loop/transport routes that it believes may meet the non-impairment criteria and those criteria are refined, the remainder of the proceeding should proceed rather expeditiously.[3]

While the Triennial Order specifies a nine-month timeframe for conclusion of each proceeding, the FCC also seems to implicitly recognize that such a goal may ultimately prove difficult to achieve. It is thus critical for the Department to establish a schedule that permits an accurate and realistic appraisal of the circumstances "on the ground" rather than attempt to conduct an impractical number of proceedings simultaneously. In that fashion, the Department may better manage and systematically build upon the information obtained in the course of the proceeding.

Once the actual impairment inquiry is concluded, other tangential issues can be logically addressed as necessary. With regard to any routes and locations for which impairment

[3] This route identification, we suggest, might logically be done concurrently with the 90-day proceeding, or it could be done by a date certain specified in a procedural order, so that the Department and other parties can begin to prepare for the subsequent stages. Indeed, the earlier in the process the ILEC identifies the specific routes, the more quickly the subsequent stages can be concluded.

is found to be lacking, for example, the issues of whether satisfactory methods exist to transition carriers from those circuits and how the facilities should be priced going forward should be examined immediately in a subsequent phase of the proceeding.[4] During the proceeding, existing arrangements should be grandfathered to prevent rate shock. Given the Department's extensive history with pricing, and developing transition mechanisms for customer and inter-carrier transfers, it is well aware of the need to ensure that sufficient time and resources are available to consider those issues should any lack of impairment actually be found.

II. SPECIFIC GUIDELINES AND CRITERIA ARE NECESSARY TO FACILITATE THE PROCEEDING AND ENABLE EFFICIENT DISCOVERY

The creation of the nine month guideline for the loop and transport proceedings underscores the need for the inquiry to be as efficient – and therefore as narrowly focused – as possible. Since the Triennial Order makes a general finding of impairment for DS1, DS3 and dark fiber loops and transport, incumbent LECs are required to provide access to these circuits absent a Department determination that specific FCC-identified triggers are met.[5] Access to these loops and transport is therefore the rule, subject to very limited exceptions.

The Coalition's procedural proposal, as outlined herein, is designed to be the most effective, minimally burdensome process for considering the FCC triggers. This process, we believe, enables the Department to conduct an efficient proceeding that focuses on the very limited exceptions rather than every single route and location in Massachusetts. Particularly in a

---

[4] *See, e.g.,* Triennial Order at ¶ 417 ("We expect that States will require an appropriate period for competitive LECs to transition from any unbundled transport that the state finds should no longer be unbundled.")

[5] *See, e.g.,* Triennial Order at ¶ 311, 320, 327-28, 359. The self-provisioning trigger does not apply to DS-1 loops or transport, since carriers cannot economically self-provision such loops or transport. Triennial Order at ¶¶ 327, 409.

state like Massachusetts, with its myriad central offices and millions of access lines, a narrowing of the scope of the inquiry is absolutely essential.

A. An Initial ILEC Filing is Necessary to Set the Boundaries of the Inquiry

The first step in setting the scope of the inquiry will be to define the set of locations or routes that could possibly be subject to removal after additional analysis. In other words, it is not efficient to conduct discovery with respect to carriers or routes that could not satisfy the FCC triggers under any reasonable interpretation of the standards established. This field of potentially relevant routes must initially – and significantly – be narrowed by an ILEC filing identifying the locations and routes that potentially may satisfy the triggers at the time of filing.

With regard to transport, the ILEC filing should identify all central office pairs in a local area in which the requisite number of carriers specified in each FCC trigger maintain qualifying collocations and terminations at each end of the transport route. For loops, the initial inquiry is quite similar, requiring that the ILEC identify specific customer addresses alleged to be served by at least two facilities-based carriers collocated in the serving end office, and the identity of such carriers.

Through this one simple step, the Department can easily and effectively narrow the scope of the inquiry, and proceed to collect information from just those carriers that provide service along the routes or to the specific customer locations identified, in order to test the ILEC assertions. More specifically, this smaller subset of carriers would be those that are allegedly collocated at both ends of the identified routes and own facilities/terminations connecting the specific office pairs (for transport) or have their own facilities/terminations running to a specific

customer address (for loop impairment).[6] At this point, it would be logical for the Department to conduct further, targeted inquiry to test the facts alleged.

An ILEC-initiated filing to identify the routes and narrow the inquiry is thus a key feature, which will focus the proceeding right at the outset. In fact, the Triennial Order endorses this approach, stating that "the review need only address routes for which there is relevant evidence in the proceeding that the route satisfies one of the triggers[.]"[7] Contrary to the indiscriminate approach that may be endorsed by some LECs, this process would greatly reduce the amount of information to be gathered and analyzed by staff and would permit the Department to easily determine whether and where any further inquiry is even warranted.

B. After Refining the Scope, The Department Must Determine Whether There are any Qualifying Carriers

To the extent the Department concludes, after completing the scoping inquiry, that certain specific loop and/or transport routes *may* qualify for removal as UNEs, it should next determine whether any of the non-ILEC carriers are Qualified Wholesale Providers or, in the case of DS3 and dark fiber loops and transport only, Qualified Self-Provisioning Carriers.[8] Discovery can then be tailored to the specific parties identified as possibly meeting the criteria, and would only elicit information required to demonstrate whether the criteria are satisfied (*e.g.*, whether the wholesaler is "operationally ready" to provide service at the relevant capacity and

---

[6] The term "own" here encompasses both ownership and qualifying long-term dark fiber IRUs, as specified in the Triennial Order. *See, e.g.*, ¶¶ 333 and fn. 981.

[7] Triennial Order at ¶¶ 339, 417.

[8] The terms Qualified Wholesale Provider and Qualified Self-Provisioning Carrier must become defined terms, following the establishment of appropriate criteria in the implementation proceeding. In the absence of the requisite number of such qualified carriers, the FCC has made clear that the ILEC must continue to provide access to loops and transport as UNEs.

whether its service is "widely available").[9] As this is a much more fact-specific and competitively sensitive inquiry, it must only follow a process, such as that described above, that pares down the number of carriers from which further information is sought.

Evaluation of these questions would require specific, but relatively narrow, information concerning each potentially qualifying carrier. Not just any carrier will satisfy the FCC triggers. For example, in order to be a Qualified Wholesale Provider, the entity must, at a minimum, own appropriate facilities, actually offer wholesale service ***and*** have the ability, from a technical and operations perspective, to provide wholesale service to a requesting carrier on a nondiscriminatory basis. Discovery, therefore, should be limited to questions that solicit information to determine, for example, whether each such carrier: (a) is unaffiliated with an ILEC or other potentially qualifying carriers, (b) is physically collocated in the central office(s) defining the route, (c) owns the entire Qualifying Facility,[10] (d) offers an equivalent product at a comparable level of capacity, quality and reliability, (e) offers circuits on generally available and nondiscriminatory rates, terms and conditions (e.g., on a tariffed or similar basis), (f) has appropriate processes for receiving, processing and provisioning orders, (g) has sufficient capacity available to continue to provide service on the designated route for the foreseeable future, and (h) in the case of loops, can provide access to the entire multiunit customer premises.[11]

---

[9] The Department need not, for example, consider specialized wholesale offerings that are not made widely available. Triennial Order at ¶ 414.

[10] The term Qualifying Facility must also become a defined term, following the establishment of appropriate criteria in the implementation proceeding. These criteria might include, but not be limited to, (a) providing a route that is geographically diverse from other carriers' circuits, (b) termination at an appropriate end point, such as a collocation facility in the central office(s), and (c) providing the transmission level requested by and meeting the technical requirements of the requesting carrier.

[11] *See, e.g.,* Triennial Order at ¶ 337.

Similarly, to establish whether any of the carriers are Qualified Self-Provisioning Carriers of dark fiber or DS3 loop or transport circuits, the Department could solicit information to determine, for example, whether each carrier: (a) is unaffiliated with an ILEC or the other potentially qualifying carriers, (b) physically collocated in the central office(s) defining the route, (c) owns the entire Qualifying Facility, and (d) in the case of loops, is serving customers at the location over the relevant loop capacity level and has access to the entire multiunit customer premises.[12]

The Loop/Transport Carrier Coalition wishes to make clear, however, that the foregoing lists are simply illustrative and do not represent the totality of the findings necessary to conclude that the FCC triggers are met. Rather, this information must be analyzed together with other information and factors that will determine whether requesting carriers in fact will not be impaired by removal of a particular loop or transport route, which is the standard that the FCC triggers are designed to implement.[13] The other factors will include, but are not limited to, the ability to interconnect directly with the facilities of other carriers, efficient ordering procedures for and seamless access to cross-connects at cost-based rates, and the risk of insolvency or other disruption to the availability of alternative facilities.[14]

In terms of weighing the data presented, the Department must exercise great caution in evaluating ILEC-provided data, in light of the obvious incentive to overstate the

---

12 *See, e.g.,* Triennial Order at ¶¶ 332-33.

13 The FCC, for example, makes "affirmative impairment findings on a nationwide basis for dark fiber loops, DS3 loops, and DS1 loops," subject to *possible* location-specific exceptions. Triennial Order at ¶ 328.

14 The Loop/Transport Carrier Coalition looks forward to providing further input in this regard as the criteria are further refined in the implementation proceeding.

availability of alternative facilities.[15] At the same time, the Department must avoid overwhelming resource-limited competitors with requests for information that are simply not necessary or that require competitors to divulge sensitive business information – such as customer, network, or marketing information. The scope of information that is truly necessary should, in fact, be relatively easy to discern once the criteria applicable to the FCC triggers are fully refined.

C. Actual Competitive Deployment is the Key Inquiry

In the Triennial Order, the FCC specifies that "actual competitive deployment" is the best indicator of impairment or non-impairment.[16] At the same time, it appropriately permits states to exercise flexibility to find exceptions based on other extraordinary factors. The Department may find, for example, that UNE access to a particular customer location or transport route should be preserved, despite a finding that a trigger has been satisfied, where barriers to further competitive deployment remain.[17]

While the Triennial Order also allows for the theoretical possibility that facility deployment is economically feasible, even where the facts have demonstrated otherwise, the Department must exercise great care in evaluating ILEC claims that there are no material economic or operational barriers that would prevent a carrier from economically deploying facilities.[18] To begin with, this argument cannot be permitted to become an invitation to ignore

---

[15] To the extent the Department utilizes pricing standards for "non-UNE" elements that match or closely resemble TELRIC, these incentives are decreased. This may be particularly true as regards Verizon, since its unbundling obligations exceed those of other ILECs by virtue of Section 271 (47 U.S.C. §271).

[16] *See, e.g.*, Triennial Order at ¶¶ 335 and 410.

[17] *See, e.g.*, Triennial Order at ¶¶ 336, 411.

[18] Triennial Order at ¶¶ 335 and 410.

the specific criteria established in the FCC triggers. In other words, the exception to the exception cannot be allowed to overshadow and overwhelm the rule.

It is clear that the FCC considered actual deployment to be the most pertinent evidence, and that the triggers are designed to be satisfied only when actual, fact-based non-impairment exists. This additional inquiry accounts for what is clearly just a theoretical possibility and requires that years of facilities-based competition be ignored. Where it is economically feasible to build facilities, competitive carriers generally have already done so.[19]

Since the extraordinary circumstances discussed in paragraphs 335 and 410 of the Triennial Order will so rarely (if at all) be present, it logically should be considered in a separate, follow-on proceeding after the conclusion of the impairment proceeding.[20] The Triennial Order itself described this inquiry as additional "analytical flexibility," indicating that the states have discretion on when to consider these issues. The implication that state commissions "must" consider theoretically possible deployment is limited by the clear requirement that the state commission inquiries be location/route specific and that they need only consider issues where relevant record evidence has been presented.[21] Thus, while the Department should consider these economic issues if they are presented, its primary focus must always be on the self-provisioned deployment and wholesale facilities triggers, and the application of those triggers to the specific locations and routes identified.

---

[19] Indeed, one of the lessons of the recent economic downturn for competitive telecommunications carrier is that, having virtually exhausted these economically feasible locations, some carriers have attempted to build out even where it was not economically feasible to do so.

[20] In its comments in the NY PSC Triennial Review docket, Case 03-C-0821, Verizon stresses that the "more open-ended analyses, discussed in the *Triennial Review Order*, relating to 'potential deployment' and economic provisioning, should only be considered if necessary, after the trigger inquiry is concluded." Comments of Verizon New York Inc. on the Steps to be Taken in Response to the FCC's Triennial Review Order, dated September 5, 2003, at page 11.

[21] *See* Triennial Order at ¶ 417.

D. Route and Network Information is Highly Sensitive and Must be Solicited and Protected with Care

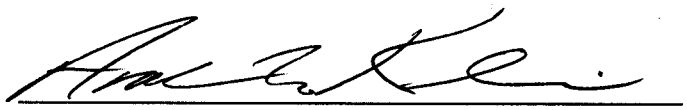
The information to be collected as part of the Triennial Order implementation is tremendously sensitive, from both a competitive and network security standpoint. Revealing one's network configuration, particularly as it relates to specific locations, is a matter of great concern. As a result, the Department must ensure that the minimum amount of information is collected, and that the information that is collected is shared only pursuant to appropriate confidentiality arrangements that protect the information from further disclosure.

As the Department is also aware, specific network information is also of value to those that may seek to disrupt our communications networks. With that in mind, the Department must limit the amount of network information solicited from carriers, and prohibit discovery demands that seek network maps.

CONCLUSION

For the reasons stated herein, BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications of Massachusetts Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc., respectfully request that the Department establish processes and procedures consistent with those outlined herein.

Respectfully submitted,



Steven A. Augustino
Andrew M. Klein
KELLEY DRYE & WARREN LLP
1200 19th Street, NW
Washington, D.C. 20036
Tel: (202) 955-9600
Fax: (202) 955-9792
Counsel to BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications of Massachusetts Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc.

Dated: September 15, 2003

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
COMMONWEALTH OF MASSACHUSETTS

Investigation by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers	)	**D.T.E. 03-60**

MOTION FOR ENTRY OF APPEARANCE PRO HAC VICE

Pursuant to Massachusetts General Laws ch. 221, §46A, Steven A. Augustino and Andrew M. Klein respectfully request that they be permitted to appear before the Department of Telecommunications and Energy on behalf of BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications, Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc., in the above-referenced proceeding.

Mr. Augustino is a Partner in the law firm of Kelley Drye & Warren LLP, 1200 19th Street NW, Washington, D.C., and is a member in good standing of the Bars of the State of Maryland and the District of Columbia. Mr. Augustino is also admitted to practice in the U.S. District Courts for the Districts of Maryland and the District of Columbia, before the U.S. Courts of Appeal for the Fourth and District of Columbia Circuits, and before the U.S. Supreme Court. Mr. Augustino has never been denied admission or disciplined by any court.

Mr. Klein is an Associate in the law firm of Kelley Drye & Warren LLP, 1200 19th Street, NW, Washington, D.C., and is a member in good standing of the Bars of the States of New York and New Jersey and the District of Columbia. Mr. Klein is also admitted to practice

in the U.S. District Courts for the Southern District of New York and the District of New Jersey, and before the U.S. Supreme Court. Mr. Klein has never been denied admission or disciplined by any court.

WHEREFORE, it is respectfully requested that the Department of Telecommunications and Energy permit Steven A. Augustino and Andrew M. Klein to appear on behalf of BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications, Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc., in the above-referenced proceeding.

Respectfully submitted,

Steven A. Augustino
KELLEY DRYE & WARREN LLP
1200 19th Street, NW, Suite 500
Washington, D.C. 20036
Tel: (202) 955-9600
Fax: (202) 955-9792
Counsel to BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications, Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc.

Andrew M. Klein
KELLEY DRYE & WARREN LLP
1200 19th Street, NW, Suite 500
Washington, D.C. 20036
Tel: (202) 955-9600
Fax: (202) 955-9792
Counsel to BridgeCom International, Inc., Broadview Networks, Inc., Choice One Communications, Inc., Focal Communications Corporation of Massachusetts and XO Massachusetts, Inc.

Dated: September 15, 2003